

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN RE CATTLE AND BEEF ANTITRUST
LITIGATION

Case No. 0:20-cv-01319 JRT-JFD

This Document Relates To:
IN RE DPP BEEF LITIGATION

DIRECT PURCHASER
PLAINTIFFS' MOTION FOR
FINAL APPROVAL OF
SETTLEMENT BETWEEN DIRECT
PURCHASER PLAINTIFFS AND
JBS DEFENDANTS

Direct Purchaser Plaintiffs Howard B. Samuels solely in his capacity as Chapter 7 trustee for the bankruptcy estate of Central Grocers, Inc.; R&D Marketing, LLC; and Redner's Markets, Inc. (collectively, "DPPs"), respectfully move this court for an Order:

1. Finally approving the settlement between DPPs and Defendants JBS S.A., JBS USA Food Company, Swift Beef Company, and JBS Packerland, Inc. (collectively, "JBS") as being a fair, reasonable, and adequate settlement for the Settlement Class within the meaning of Fed. R. Civ. P. 23, and directing the implementation, performance, and consummation of that settlement.

2. Certifying the class reflected in the Settlement Agreement for settlement purposes pursuant to Fed. R. Civ. P. 23(e) because, as determined at Preliminary Approval, the settlement class meets all of the requirements under Rule 23 for settlement class certification.

3. Determining that the Class Notice issued after preliminary approval constituted the best notice practicable under the circumstances of the settlement and the fairness hearing, and constituted due and sufficient notice for all other purposes to all persons entitled to receive notice.

4. Dismissing the action with prejudice as to JBS in all class action complaints asserted by DPPs or the Settlement Class, excluding any persons or entities who timely opted out of the settlement.

5. Discharging and releasing the Released Parties, as defined in the settlement, from all Released Claims, as defined in the settlement.

6. Reserving continuing and exclusive jurisdiction over the settlement for all purposes.

7. Determining under Fed. R. Civ. P. 54(b) that there is no just reason for delay and directing that the judgment of dismissal as to JBS shall be final and appealable and entered forthwith.

This motion is based upon Fed. R. Civ. P. 23, and all the files, records, and proceedings herein including Direct Purchaser Plaintiffs' Memorandum of Law in Support of Motion for Final Approval of Settlement between Direct Purchaser Plaintiffs and JBS Defendants, the Declarations of Daniel E. Gustafson and Eric Schachter submitted in support of this Motion, the evidence submitted in support of this Motion, and such further evidence, whether documentary or oral, that may be presented at the time of the noticed hearing.

Dated: July 22, 2022

Respectfully Submitted,

/s/ Daniel E. Gustafson

Daniel E. Gustafson (#202241)

Daniel C. Hedlund (#258337)

Michelle J. Looby (#0388166)

Joshua J. Rissman (#0391500)

Anthony J. Stauber (#0401093)

GUSTAFSON GLUEK PLLC

Canadian Pacific Plaza

120 South Sixth Street, Suite 2600

Minneapolis, MN 55402

Telephone: (612) 333-8844

Facsimile: (612) 339-6622

dgustafson@gustafsongluek.com

dhedlund@gustafsongluek.com

mlooby@gustafsongluek.com

jrissman@gustafsongluek.com

tstauber@gustafsongluek.com

Dennis J. Stewart (*admitted pro hac vice*)

GUSTAFSON GLUEK PLLC

600 W. Broadway

Ste. 3300

San Diego, CA 92101

Telephone: (612) 333-8844

Facsimile: (612) 339-6622

dstewart@gustafsongluek.com

Adam J. Zapala (*admitted pro hac vice*)

Elizabeth T. Castillo (*admitted pro hac vice*)

James G.B. Dallal (*admitted pro hac vice*)

COTCHETT, PITRE & MCCARTHY, LLP

840 Malcolm Road, Suite 200

Burlingame, CA 94010

Telephone: (650) 697-6000

Facsimile: (650) 697-0577

azapala@cpmlegal.com

ecastillo@cpmlegal.com

jdallal@cpmlegal.com

Alexander E. Barnett (*admitted pro hac vice*)

COTCHETT, PITRE & MCCARTHY, LLP

40 Worth Street, Suite 602
New York, NY 10013
Telephone: (212) 201-6820
Facsimile: (917) 398-7753
abarnett@cpmlegal.com

Jason S. Hartley (*admitted pro hac vice*)
Jason M. Lindner (*admitted pro hac vice*)
Fatima G. Brizuela (*admitted pro hac vice*)

HARTLEY LLP

101 W. Broadway, Suite 820
San Diego, CA 92101
Tel: (619) 400-5822
hartley@hartleyllp.com
lindner@hartleyllp.com
brizuela@hartleyllp.com

Megan E. Jones (*admitted pro hac vice*)

HAUSFELD LLP

600 Montgomery Street, Suite 3200
San Francisco, CA 94111
Tel: (415) 633-1908
mjones@hausfeld.com

Timothy S. Kearns (*admitted pro hac vice*)

HAUSFELD LLP

888 16th St. NW, Suite 300
Washington, DC 20006
Tel: (202) 540-7200
tkearns@hausfeld.com

***Interim Co-Lead Counsel for the
Proposed Direct Purchaser Plaintiffs***